

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the

City Fibers L.A. Plant No. 2

SWIS No. 19-AR-1236

August 26, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the City of Los Angeles Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the City Fibers L.A. Plant No. 2, SWIS No. 19-AR-1236, located in the City of Los Angeles and owned by David Jones and operated by City Fibers. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 12, 2016. A new proposed permit was received on July 22, 2016 and August 26, 2016. Action must be taken on this permit no later than October 25, 2016. If no action is taken by October 25, 2016, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2010)	Proposed Permit
Permitted Maximum Tonnage	500* Tons/Day *Provided that the facility is in compliance with Condition 17 K	1,080 Tons/Day
Permitted Vehicles	135 Vehicles/Day	Regulated Pursuant to 14 CCR 17418.3
Permitted Area (acres)	1.26 a	1.61 a

1. Other changes include edits to the following sections of the SWFP: "Findings," documents that describe and/or restrict the operation and "Enforcement Agency (EA) Conditions" section including rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. Increase tonnage from 500 tons per day to 1,080 tons per day;
2. Increase site area from 1.26 acres to 1.61 acres; and
3. Update the Transfer Processing Report.

Background

This is an existing facility that was issued a temporary permit as a solid waste transfer/processing station on July 16, 2008, with a maximum throughput of 500 tons per day. A new full SWFP was issued on September 22, 2010 for the operation of a Large Volume Transfer/Processing Facility with a maximum throughput of 500 tons per day. The facility processes source separated, single-stream, curbside, and multi-family recyclables, and select commercial loads. The facility permit is being revised to a maximum throughput of 1,080 tons per day of the same materials, and to include additional square footage in the permitted area. The facility covers 1.61 acres (70,000 square feet) and is located at 2545 East 25th Street in the central city north portion of the City of Los Angeles, just east of Santa Fe Avenue.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 12, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 19, 2016. The LEA provided a copy to the Department on June 1, 2016. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 12, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in the memorandum dated July 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on August 4, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 12, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 1, 2016. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on August 4, 2016 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer station's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2016 (July) – 2012 (September) - No violations were noted.
- 2012 (August) - One violation of 14 CCR Section 17409.5 – Load Checking and One Violation of 14 CCR Section 17414 – Record Keeping Requirements
- 2012 (March - August) - One Violation of PRC 44014(b) - Operator Complies with Terms & Conditions
- 2011 - No violations were noted.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Los Angeles Local Enforcement Agency, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: increase the permitted amount of material processed daily at the facility from 500 tons per day to a maximum of 1,080 tons per day and expand the total site area from 1.26 acres to 1.61 acres. No new construction or new structures are proposed under the project. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2015121040, was circulated for a 30 day comment period from December 11, 2015 to January 11, 2016. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on February 9, 2016.

The City of Los Angeles Local Enforcement Agency (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on June 1, 2016, at 2400 E. 25th Street, in the City of Los Angeles. There were no members of the public in attendance. No questions, comments or concerns were brought up at the meeting. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on July 19, 2016 and August 16, 2016. No comments have been received by Department staff.